

### **REMARKS**

This Amendment is submitted in response to the Office Action mailed on January 29, 2009. Claims 1, 2, 6, 7, 9, 10, 11, 16, 17, 20, 23, 24, 27, 28 and 32-36 have been amended, and claims 1-36 remain pending in the present application. Applicant notes and appreciates Examiner's indication of allowability of claim 18. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Applicant has amended the Specification to add headers to the present application, and also to correct clear typographical errors. Applicant submits that no new matter is being introduced by these amendments.

Claims 1-3, 6, 7 and 19-33 stand rejected under 35 U.S.C. §102(b) as being anticipated by Day et al., U.S. Patent No. 3,697,289. Claims 4, 5, 8-17 and 34-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Day et al. in view of Hansen, U.S. Patent No. 5,690,018. While Applicant respectfully traverses these rejections, Applicant has amended each of independent claims 1, 11, 20, 24, 27 and 32-36 to more sharply define the claimed invention over the prior art of record and respectfully requests that the rejections be withdrawn.

In particular, Examiner will note that Applicant has amended each of independent claims 1, 11, 20, 24, 27 and 32-36 to recite that the inlet of the filter passage is in fluid communication with, but unconnected from the kettle. Support for

this amendment is provided at Page 11, lines 11-16 of Applicant's disclosure, for example, and this feature is shown according to one embodiment in Figs. 1, 2 and 6.

By having the filter passage inlet in fluid communication with, but unconnected from, the kettle as found in Applicant's claimed invention as recited in each of amended independent claims 1, 11, 20, 24, 27 and 32-36, the filter passage inlet receives an intake of steam and oil laden vapor, and vapor born particles, from a cooking cycle of popcorn in the kettle and from the bin.

In contrast, Day et al. is directed to a popcorn popper having a closed popping pot that reduces the possibility of contaminants mixing with the product and provides removal of steam and waste oil effluent from the pot (see Col. 3, lines 20-23). As shown in Figs. 4 and 10 of Day et al., the popcorn popper is provided with a condensing system (308) that is connected to the closed pot (18) through a condenser outlet (306). The inlet of the condenser outlet (306) is connected to the closed pot (18) (see Col. 10, lines 24-31 and Col. 12, lines 66-69).

Hansen is directed to a cooking apparatus having a cooking chamber (3) that is connected to a filter device (4) through a copper tube (5). The copper tube (5) has an inlet that is connected to the cooking chamber (3) (see Col. 3, line 65 through Col. 4, line 42 and Figs. 3-5).

With respect to the rejections of independent claims 1, 20, 24, 27, 32 and 33 as being anticipated by Day et al., Applicant respectfully submits that Day et al. fails to teach or suggest an inlet of a filter passage being in fluid communication with, but

unconnected from a kettle of a popcorn popper as recited in each of these claims.

Rather, as discussed above, the condensing system (308) of Day et al. is connected to the closed pot (18) through the condenser outlet (306). The inlet of the condenser outlet (306) is connected to the closed pot (18).

Moreover, one of ordinary skill in the art would not be motivated to modify the popcorn popper of Day et al. to unconnect the condenser outlet (306) from the closed kettle (18) since this would destroy the intended purpose and function of the Day et al. popcorn popper to have a closed effluent path provided directly from the closed kettle (18) to the condensing system (308) through the condenser outlet (306). Consequently, Applicant respectfully submits that each of independent claims 1, 20, 24, 27, 32 and 33 recites a combination of elements or steps that are not fairly taught or suggested by Day et al. taken alone, or in combination with the other prior art of record, and the rejections of these claims should be withdrawn.

With respect to the rejections of independent claims 11 and 34-36 as being unpatentable over Day et al. in view of Hansen, Applicant respectfully submits that these rejections must fail in view of the deficiencies in the teaching of the primary Day et al. reference as set forth above. Moreover, even if first and second filters of Hansen were incorporated into the condensing system of Day et al. as sought in the rejections, the hypothetical combination would still fail to achieve Applicant's claimed invention as recited in each of these claims since the hypothetical combination would not obtain a popcorn popper having a filter passage inlet that is in fluid communication

with, but unconnected from a kettle as now claimed. Accordingly, Applicant submits that the rejections of independent claims 11 and 34-36 are improper and should be withdrawn.

Moreover, as claims 2-10, 12-19, 21-23, 25, 26 and 28-31 depend from allowable independent claims 1, 11, 20, 24 and 27, respectively, and as each of these claims recites a combination of elements not fairly taught or suggested by the prior art of record, Applicant submits that these claims are allowable as well.

With respect to the rejections of dependent claims 2, 16, 23 and 28, which each recite that the effluent contains less than 5 mg of particulates per cubic meter of effluent discharge, Applicant has amended each of claims 2, 16 and 23 to recite that the plurality of filtration stations are configured to provide this recited feature. Consequently, these claims, as now amended, recite structural features that are not fairly taught or suggested by the prior art of record. Moreover, the prior art of record also fails to fairly teach or suggest the discharging step recited in dependent claim 28 that includes discharging effluent containing less than 5 mg of particulates per cubic meter discharged. For these reasons as well, Applicant submits that each of dependent claims 2, 16, 23 and 28 defines patentable subject matter over the prior art of record and the rejections of these claims should be withdrawn.

With respect to the rejections of dependent claims 6 and 7, and independent claims 20, 24 and 36, Applicant has amended each of these claims to recite that the two open sides of the popcorn popper are located on opposite sides

thereof (see Applicant's disclosure at Page 10, lines 14-15, for example, and this feature is shown according to one embodiment in Figs. 1 and 6).

As Examiner will appreciate, while the side-by-side doors (32, 34) of Day et al. may open, these doors are not located on opposite sides of the popper as now recited in each of amended claims 6, 7, 20, 24 and 36, and the rejections of these claims should be withdrawn for this reason as well.

Each of dependent claims 8 and 13 recites that the passage inlet comprises a vapor oil baffle. This recited feature is not addressed in the Office Action, and Applicant submits that the combination of elements recited in each of dependent claims 8 and 13 is not fairly taught or suggested by the prior art of record. For these reasons as well, these claims are submitted to be patentable over the prior art of record.

Each of independent claims 27 and 32 recites the step of separating oil from the effluent as it enters the inlet. This recited step was not addressed in the Office Action, and Applicant submits that neither the popcorn popper of Day et al. nor the cooking apparatus of Hansen fairly teaches or suggests this step in combination with the other recited steps of these claims. As Examiner will appreciate, the condensing system (308) of Day et al. is not provided at the inlet of the condenser outlet (306) that is connected to the closed pot (18), but rather is located downstream thereof. In the cooking apparatus of Hansen, the filter device (4) is located downstream of the inlet of copper tube (5) that is connected to the cooking chamber (3). For these reasons as

well, each of independent claims 27 and 32 recites a combination of steps that are not fairly taught or suggested by the prior art of record and the rejections of these claims should be withdrawn.

Each of dependent claims 10 and 17, as amended herein, recites that the blower is configured to move the effluent such that velocity of the effluent in the passage is less than (claim 10) or below (claim 17) 500 feet per minute. This recited feature is not addressed in the Office Action, and Applicant submits that these claims define patentable subject matter over the prior art of record.

Dependent claim 19 recites an oil baffle in the lid, wherein the baffle is open for selective passage of a fire suppressant agent into the kettle. This recited feature is not addressed in the Office Action, and Applicant submits that the prior art of record is completely silent with respect to this recited feature. Consequently, the rejection of claim 19 should be withdrawn.

Lastly, dependent claim 31 recites the step of monitoring the status of the separating steps and indicating deterioration of separation efficiency of at least one of the separating steps. This recited feature is also not addressed in the Office Action, and Applicant submits that the prior art of record is completely silent with respect to this recited feature. Accordingly, dependent claim 31 is submitted to define patentable subject matter and the rejection should be withdrawn.

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Amendment Dated 7/29/09  
Reply to Office Action of 1/29/09

### CONCLUSION

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Please see the electronic fee calculation sheet for the charge in the amount of \$555 for the three months extension fee as required by 37 C.F.R. §1.17(a)(3). If any other fees are necessary, the Commissioner is hereby authorized to charge any underpayment or fees associated with this communication or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

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